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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,810	07/12/2000	Wilhelmus Hendrikus Alfonsus Bruls	PHN 17,546	7259

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/614,810

Applicant(s)

BRULS ET AL.

Examiner

Nhon T. Diep

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


NHON DIEP
PRIMARY EXAMINER

Continuation of 13. Other: Response to Arguments

1. Applicant's arguments filed 7/28/2005 have been fully considered but they are not persuasive.

With regard to the applicants' argument that "On page 2, second paragraph, the present application discloses that the invention differs from the prior art in that data symbols are directly represented by specific values without first transforming the data. Therefore, the argument concludes, "This supports the recitation of "an auxiliary data symbol not transform coded", as recited in the claims."" (page 2, ln. 9-14).

The examiner respectfully disagrees. The cited paragraph is not fully quoted and not correctly interpreted.

Page 2 of the current specification discloses "The corresponding method of retrieving auxiliary data comprises the steps of decoding variable-length code words indicative of said selected coefficients, and retrieving each auxiliary data symbol from said decoded coefficients. The auxiliary data is thus detected without first inverse transforming the compressed signal to the original signal domain."

There is nothing in the above cited paragraph that supports the applicants' argument that the auxiliary signal is not transform coded

With regard to the applicants' argument that "Moreover, figure 2 of the present application also supports this point. As can be seen from figure 2, there is no transform processing shown at the input or output of the symbol generator 8. Thus it is evidence that the auxiliary data message XD is provided to the data symbol generator 8 unchanged. (page 7, ln. 15-19).

Again, the examiner respectfully disagrees. First of all, of course, the auxiliary data message XD is provided to the data symbol generator 8 unchanged since XD is an input to the data generator 8 but it is the examiner's argument that after the auxiliary data XD will be then transformed by the generator 8 by generating a number of symbols (or digits) b(k) for each alphanumeric character as indicated in figure 4, el. 420. It is submitted that the output of generator 8 provides a transform coded signal and again, this interpretation is based on the definition as cited in the Microsoft Press, Computer Dictionary, Third Edition, page 475.

The examiner, having answered all of the applicants' arguments, maintains all of his rejections as set for the in the previous Office Action..